

**BRISTOL BAY NATIVE ASSOCIATION**  
**P.O. Box 310**  
**DILLINGHAM, ALASKA 99576**  
**(907) 842-5257**

**By Full Board of Directors**

**Resolution 2010 - 32**

**A RESOLUTION REQUESTING THE ENVIRONMENTAL PROTECTION AGENCY TO INVOKE SECTION 404(c) OF THE CLEAN WATER ACT AS APPROPRIATE IN THE KVICHAK AND NUSHAGAK DRAINAGES OF THE BRISTOL BAY WATERSHED TO PROTECT HABITAT AND EXISTING USES**

**WHEREAS:** The Bristol Bay Native Association (BBNA) is an Alaska Native non-profit corporation and tribal consortium serving the 31 federally recognized tribes in the Bristol Bay Region; and

**WHEREAS:** BBNA is in support of environmentally responsible economic and community development; and

**WHEREAS:** BBNA does not support development that is adverse and/or detrimental to the renewable and sustainable resources of the region to include habitat and subsistence, commercial, and sport fishing and hunting; and

**WHEREAS:** Bristol Bay enjoys a pristine environment, has world-class hunting and fishing, and was recently referred to as a "national treasure" by the Obama administration; and

**WHEREAS:** BBNA opposes any disposal of waste into any waters that would have an adverse impact on our resources; and

**WHEREAS:** The Environmental Protection Agency (EPA) under Section 404(c) of the Clean Water Act can prohibit or restrict the discharge of dredge or fill material at defined sites in the United States (including wetlands) "when the use of such sites for disposal would have an unacceptable adverse impact on fisheries, wildlife, municipal water supplies, or recreational areas" before an application is filed; and

**WHEREAS:** The headwaters of the Kvichak and Nushagak River drainages fully meet those requirements under the Clean Water Act; and

**WHEREAS:** The Environmental Protection Agency should, considering the importance and sensitivity of these river drainages to toxic discharges of any kind, and considering the persistence and permanence of impacts to water quality from any type of toxic discharges, protect the water, habitat and subsistence, commercial, and sport fish and wildlife renewable resources by invoking Section 404(c) of the Clean Water Act; and

**WHEREAS:** The Environmental Protection Agency should not wait for development permits to be filed by development organizations to protect these scarce, financially viable, sustainable, renewable, and critical resources before taking action.

**NOW, THEREFORE BE IT RESOLVED** by the Full Board of Directors of the Bristol Bay Native Association that it strongly requests the EPA to use its authority under section 404(c) of the Clean Water Act to protect the habitat and subsistence, commercial, and sport fish and wildlife renewable resources by prohibiting or otherwise restricting discharge of dredged or fill material in the headwaters of the Kvichak and Nushagak River drainages of Bristol Bay; and

**BE IT FURTHER RESOLVED** that BBNA requests that the EPA take such action prior to any permit application submission to the U.S. Corps of Army Engineers; and

**BE IT FURTHER RESOLVED** that BBNA requests the EPA to work with the Tribes and other stakeholders to identify routine dredge and fill activities that would not be subject to EPA action under Section 404(c).

Signed: Fred J. Angason  
Chairman of the Board

**CERTIFICATION:**

I, the undersigned Secretary of the Bristol Bay Native Association, Inc., do hereby certify that the foregoing resolution was duly passed by the Full Board of Directors of the Bristol Bay Native Association and a duly called and noticed meeting on the 17 day of September 2010, and that a quorum was present.

Signed: Robert Haysano  
Secretary